



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/855,723   | 05/16/2001  | Hiroataka Nakano     | WN-2338             | 9420             |
| 466  | 7590        | 09/16/2004           | EXAMINER            |                  |
| YOUNG & THOMPSON<br>745 SOUTH 23RD STREET 2ND FLOOR<br>ARLINGTON, VA 22202 |             |                      | DIMYAN, MAGID Y     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2825                |                  |

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855,723

Applicant(s)

NAKANO ET AL.

Examiner

Magid Y Dimyan

Art Unit

2825

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 8-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2001 and 04 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 20040913.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgement***

1. Receipt is acknowledged of the Amendment after Final Rejection, and to the Remarks, both filed on 07 July 2004. It is also acknowledged that the applicants have cancelled claims 1 and 27, and amended claims 2 – 26 to address the rejections and objections noted in the previous Office Actions. The Examiner, however, has found several other claim objections, and new grounds for rejecting claim 7, as outlined below. The Applicants have thus requested to re-open the prosecution of this application, rather than cancel claim 7. Claims 2 – 26 still remain pending in this application.

### ***Claim Objections***

2. Claims 2 - 26 are objected to because of the following informalities: the Examiner has found several other grammatical mistakes in the claims. Below are some examples. However, the Applicants are requested to check all the pending claims thoroughly and correct any grammatical errors.

Art Unit: 2825

- Claim 2, lines 5 and 6, delete "of which has", and insert --course having--  
; line 26, delete "are"; line 27, delete "performs" and insert --performing--;  
line 29, delete "progresses", and insert --progressing--.
- Claim 3, lines 5 and 6, delete "of which has" and insert --course having--.

3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,594,799 to Robertson et al. (hereinafter, "Robertson").

6. Referring to claim 7, Robertson discloses a method and system of manufacturing a semiconductor IC comprising a data-managing center having a

Art Unit: 2825

database, a designing center, and a manufacturing center (see Fig. 2; col. 6, lines 20 – 36; col. 9, lines 42 – 50), which are connected via the Internet (see again Fig. 2), wherein said designing center and said manufacturing center use information contained in the database of the data-managing center (Fig. 2; col. 12, lines 4 – 34; col. 13, lines 1 - 45), performs two-way communication with said client (Fig. 2), and thereby progress the production of the IC (see Figs. 2 -10), wherein said designing center and said manufacturing center report work progress status information to said data-managing center voluntarily or in response to inquiry received from said data-managing center (see Fig. 3 – 10; col. 9, line 40 – col. 10, line 62). Thus, Robertson cites all the claimed elements.

### ***Allowable Subject Matter***

7. Claims 2 – 6 and 8 – 26 are allowable if the objections to the claims cited above are properly addressed.

8. The following is a statement of reasons for the indication of allowable subject matter: these claims include the additional limitation of having a data-managing center comprising a cost/number-of-days database containing data representing courses for manufacturing the IC, each course having attributes of cost and number of days in fields of product types and urgency needs of the IC. Prior art does not teach, or suggest, this claim limitation.

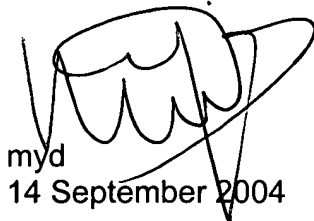
Art Unit: 2825

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magid Y Dimyan whose telephone number is (571) 272-1889. The examiner can normally be reached on Monday - Friday 8:00 AM - 5:00 PM.

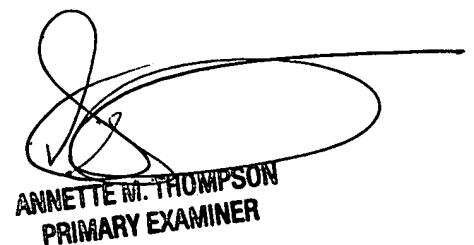
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



myd  
14 September 2004

Magid Y Dimyan  
Examiner  
Art Unit 2825



ANNETTE M. THOMPSON  
PRIMARY EXAMINER

Art Unit: 2825